

United States District Court  
Southern District of Texas

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

ENTERED

January 31, 2023

Nathan Ochsenr, Clerk

Mark Robertson, *et al.*,

Plaintiffs,

*Versus*

Bryan Collier, *et al.*,

Defendants.

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Civil Action H-23-283

## Order

Mark Robertson, George Curry, Tony Egbuna Ford, and Rickey Cummings bring this action on behalf of themselves and other individuals. The plaintiffs are all incarcerated on Texas death row at the Allan B. Polunsky Unit. The complaint challenges the conditions of their confinement under 42 U.S.C. § 1983.

District courts may raise the question of venue *sua sponte*.<sup>1</sup> The Polunsky Unit is located in Polk County, which is in the Eastern District of Texas, Lufkin Division.<sup>2</sup> A district court has broad authority to transfer a case to another district where the action might have been brought.<sup>3</sup> Because all or a substantial part of the events giving rise to the asserted claims occurred in Polk County, the complaint was not properly filed in the Southern District of Texas.<sup>4</sup> In the interests of justice, this action should proceed in the Eastern District of Texas, Lufkin Division where the claims arose.

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<sup>1</sup> See *Moler v. Wells*, 18 F.4th 162, 167 n.8 (5th Cir. 2021).

<sup>2</sup> 28 U.S.C. § 124(c)(6).

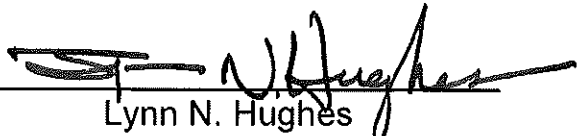
<sup>3</sup> See 28 U.S.C. §§ 1404(a), 1406(a).

<sup>4</sup> See 28 U.S.C. § 1391(b).

This case is transferred to the United States District Court for the Eastern District of Texas, Lufkin Division.

The plaintiffs are advised to file all further pleadings, motions, and correspondence in the Eastern District of Texas, Lufkin Division after they receive notice of the new case number.

Signed on January 30, 2023, at Houston, Texas.

  
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Lynn N. Hughes  
United States District Judge